

JOURNAL OF THE HOUSE.

Friday, April 29, 2005

[being a continuation of the legislative session of Monday, April 25, 2005.].

and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Friday, April 29, 2005 (at 11:00 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Ever-Present God, we pause for a moment to focus our attention on You, Our Creator, human and spiritual values and to ask for Your guidance and assistance. Each day, we struggle to offer You and constituents our best and most honorable intentions, efforts and decisions. In our free and democratic society, our views and opinions as legislators and citizens often differ on important philosophical, political and ethical issues and policies. We respect the rights of all with whom we may disagree to express openly and freely their views and feelings. As a commonwealth, however, we are united in our commitment to serve people and their many needs, the common good, the future of our children and our communities and to seek and speak truth.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Recesses.

At seven minutes after eleven o'clock A.M. (Friday, April 29), on motion of Mr. Nangle of Lowell (Mr. Petrolati of Ludlow being in th Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty-three minutes after twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Kafka of Stoughton, until half past one o'clock P.M.; and at one minute after two o'clock the House was called to order with Mr. Petrolati in the Chair.

Statement Concerning Representative Galvin of Canton.

A statement of Mr. Kafka of Stoughton concerning Mr. Galvin of Canton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Galvin of Canton, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated. Representative Galvin of Canton.

Statement of Representative Khan of Newton.

A statement of Ms. Khan of Newton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact I will not be able to be present in the House Chamber for the remainder of today's sitting due to a long-standing family obligation. Any roll calls that I may miss will be due entirely to the reason stated. Representative Khan of Newton.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Casey of Winchester, Fallon of Malden and Natale of Woburn) celebrating the one hundredth anniversary of the Stone Zoo;

Resolutions (filed by Mr. Galvin of Canton) on the occasion of the retirement of Jim Brown, Jr.; and

Resolutions (filed by Mr. Nyman of Hanover) honoring the South Shore Charter Public School on the occasion of its tenth anniversary;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Quinn of Dartmouth, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight), was read for the information of the House; and it was placed on file.

Petitions.

Mr. Lepper of Attleboro presented a petition (subject to Joint Rule 12) of John A. Lepper and Scott P. Brown relative to the health care security trust fund; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing. Sent to the Senate for concurrence.

Mr. Galvin of Canton presented a petition (subject to Joint Rule 12) of William C. Galvin relative to the retirement of clerk/magistrates, clerks of court, recorder and registers; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill authorizing the town of Abington to establish a capital improvement trust fund (Senate, No. 2025) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the committee on Higher Education, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 764) of Jarrett T. Barrios, Marie P. St. Fleur, Deborah D. Blumer, Andrea F. Nuciforo, Jr. and other members of the General Court for legislation relative to in-state tuition rates and fees at public higher education institutions, and recommending that the same be referred to the House committee on Ways and Means,-- accepted by the Senate, in so much as relates to the discharge of the committee, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Report of a Committee.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Rowley to change the use, the care, custody and control of a portion of town conservation land (House, No. 1721) [Local Approval Received] be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Koutoujian of Waltham, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Stanley of West Newbury, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act authorizing the town of Rowley to lease certain conservation land.". Sent to the Senate for concurrence.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 4000-0300 and inserting in the place thereof the following item:

“4000-0300

For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated herein shall be expended for the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided further, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the central automated vendor payment system, the medicaid management information system and the recipient eligibility verification system MA21, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased shall be assumed by the providers utilizing the devices; provided further, that the executive office shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for the purpose of programs authorized by chapter 118E of the General Laws shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than 10 days after such expenditures have been made by the medicaid management information system; provided further, that no expenditures shall be made for the purpose of such programs that are not federally reimbursable, except as specifically

authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the executive office may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, to providers by item of appropriation from which said payments were made; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that notwithstanding any general or special law to the contrary, for fiscal year 2006 the definition of a rural hospital shall mean an acute care hospital as defined under section twenty-five B of chapter 111 of the General Laws and licensed under said chapter 111, which: (1) has been designated by the executive office as a rural hospital based on bed size, city or town population, and population density of the city, town, service area or county as determined by the executive office through regulation; or (2) is a hospital currently designated as a Critical Access Hospital by the Federal Department of Health and Human Services in accordance with federal regulations and state requirements; provided further, that the federal financial participation received from claims filed for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement with each donating provider hospital or health center; provided further, that the federal financial participation received from claims filed based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement with the organizations participating in the initiative; provided further, that notwithstanding any general or special law to the contrary, thirty percent of the remaining funds made available pursuant to the

fourth sentence of section 407 of chapter 149 of the acts of 2004 are to be paid in fiscal year 2006 to a municipality in Essex county to defray debt, resulting from the operation of a former municipally-owned hospital; provided further, that these funds shall only be made available if said payments are established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the commonwealth's Title XIX state plan, or the terms and conditions of agreements reached with the executive office for such payments; provided further, that notwithstanding the provisions of any general or special law to the contrary, the executive office shall require the commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that federal reimbursements received for administrative expenditures made pursuant to this item shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care Assistance Fund, established under section 2FF of chapter 29 of the General Laws, in the same per centages as expenditures are made from this item; provided further, that in determining inpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions, rate adjustments and passthrough payments, as was in effect on July 1, 2003; provided further, that in determining outpatient rates for any acute hospitals the executive office shall utilize the same payment methodology, including all exemptions and rate adjustments, as was in effect on October 1, 2003; provided further, that any hospital with a unit designated as a pediatric specialty unit, as defined by this act, shall be exempt from the inpatient and outpatient efficiency standards, so called, being applied to their rate methodology; provided further, that said executive office shall use the same pricing methodology for durable medical equipment and oxygen as was in effect on July 1, 2003; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that payment for inpatient cases with a case mix acuity greater than 5.0 shall be at least equal to 85% of the expenses incurred in providing services to those children; provided further, that said executive office shall not reduce the supplement to chronic disease and rehab hospitals administrative day rate below that which was granted during hospital fiscal year 2005; provided further, that said executive office in fiscal year 2006 shall not eliminate payment to hospital outpatient departments for primary care provided to MassHealth members; provided further, that not later than September 1, 2005, the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing reasons for increases in chargebacks between fiscal years 2005 and 2006 for all 17 executive office cluster agencies including, but not limited to, service rates used in determining each charge type, number of staff hours per agency per service type, and a subsequent explanation as to how the increases result in a cost savings for each agency and

the commonwealth, and why there is no subsequent decrease in the executive office administrative costs; and provided further, that said report shall provide a detailed explanation and so-called crosswalk of the transition of both funding and staff members from each agency to the executive office in fiscal years 2005 and 2006 for consolidation of centralized services; provided further, that notwithstanding any general or special law to the contrary, the executive office shall adopt regulations which restrict eligibility and covered services only after public notice and hearing; and provided further, that funds in items 4000-0430, 4000-0500, 4000-0600, 4000-0620, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990 and 4000-1400 shall be made available during the accounts payable period of fiscal year 2006 for services rendered prior to June 30, 2006

130,341,223

General Fund 85.84%
Children's and Seniors' Health Care
Assistance Fund 14.16%";

By striking out item 4000-0352 and inserting in place thereof the following item:

"4000-0352 For MassHealth enrollment outreach grants to public and private non-profit groups to be administered by the executive office; provided that the executive office may provide said grants for continuation of the Covering Kids and Families program, so called, including grants to coalitions receiving Covering Kids and Families grants; and provided further, that that the executive office may provide said grants for the Western Massachusetts Health Access Network, so called, of thirteen community-based organizations to provide enrollment assistance and outreach for MassHealth and other publicly-funded health coverage programs

500,000";

By striking out item 4000-0500 and inserting in place thereof the following item:

"4000-0500 For health care services provided to medical assistance recipients under the executive office's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the executive office; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that said secretary shall take all steps necessary to maximize enrollment in managed care organizations in order to utilize federal dollars available under the federal upper payment limit cap; provided further, that the secretary shall submit a report to the house and senate committees on ways and means which shall include MassHealth enrollment in a managed care organization as of July 1, 2005 compared to said enrollment on December 1, 2005; provided further, that said report shall be submitted not later than December 15, 2005; provided further, that the secretary of health and human services and the commissioner of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the executive office

to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that in conjunction with the new medicaid management information system project, said executive office study the feasibility of modifying its claim payment system, in collaboration with the MassHealth behavioral health contractor, to routinely process for payment valid claims for medically necessary covered medical services to eligible recipients with psychiatric and substance abuse diagnoses on a timely basis in an effort to avoid delay and expenses incurred by lengthy appeals processes; provided further, that said secretary shall report to the house and senate committee on ways and means not later than February 1, 2006 the results of said study, any proposed modifications to said payment system, and a timeline of steps to be taken to implement said modifications; provided further, that not less than \$10,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law; and provided further, that \$11,700,000 shall be expended on disproportionate share payments to high public payer hospitals

2,074,169,186”;

By striking out item 4000-0600 and inserting in place thereof the following item:

“4000-0600 For health care services provided to medical assistance recipients under the department's senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$9,240,000 shall be expended for the purposes of a demonstration project known as the "community choices" initiative, so-called; provided further, that under the demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, including case management, from among those services available under the waiver or under the commonwealth's Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in the waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that for elders who, pursuant to the aforementioned interagency agreement, have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the department shall establish a funding level that, on a monthly average basis, is equal to fifty per cent of the median monthly per capita expenditure made by the department for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to the elders under the state plan, provided further, that the interagency agreement shall be

amended to implement the demonstration project and shall describe how the funding level will be made available to meet the costs of needed waiver services or other needed community services available to the elders under the state plan; provided further, that the department shall enter into an agreement with each aging service access point participating in the demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under the demonstration project shall submit monthly reports to the executive office of health and human services and to the department of elder affairs on the care provided and the service expenditures made under the 2176 elder care waiver and such other information as specified by the department and the executive office; provided further, that executive office of health and human services shall prepare a report on all relevant costs and savings associated with the demonstration project; provided further, that the report shall be submitted to the house and senate committees on ways and means by April 3, 2006; provided further, that the department shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that effective July 1, 2005 through June 30, 2006, the division of health care finance and policy in collaboration with the department of elder affairs shall establish nursing facility payment rates and fully fund allowable costs using calendar year 2002 base year costs; provided further, that the secretary of elder affairs may transfer not more than 3 per cent of funds appropriated in this item to item 4000-0620; provided further, that the department shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, the department, in consultation with the division, in recognition of the unique special innovative program status granted by the executive office, shall for any nursing home or non-acute chronic disease hospital that provides kosher food to its residents, establish the lower of (1) actual increased cost; or (2) up to a \$5 per day increase to the standard payment rates to reflect the high dietary costs incurred in providing kosher food and shall apply such increase effective July 1, 2003; provided further, that in the event the division of health care finance and policy conducts or utilizes an audit of nursing facilities' calendar year 2002 base year costs for the purpose of reducing rates below levels that would be in effect in the absence of the audit, the division shall disallow no more than \$22,000,000 in the aggregate in fiscal year 2006 rates; provided further, that effective July 1, 2005, nursing facility Medicaid rates shall be adjusted by no less than \$43,500,000 in the aggregate for the purpose of funding inflationary costs; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia-specific adult day care at the rate paid on January 1, 2003; provided further, that not less than \$2,000,000 shall be expended for the purpose of a housing with

services demonstration project known as the "Caring Homes" initiative designed to delay or prevent nursing home placement by providing caregiving services to an elder; and provided further, that under said demonstration project, eligible MassHealth enrollees shall be able to live in the home of an individual or relative, with the exception of spouses and dependent children, to provide for their long term supports, pursuant to regulations promulgated by said executive office

1,825,981,999”;

By striking out item 4000-0620 and inserting in place thereof the following item:

“4000-0620 For the senior care options program; provided, that the secretary of elder affairs may transfer not more than 15 per cent of funds appropriated in this item to item 4000-0600; and provided further, that the department shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer

67,998,937”;

By inserting after item 4000-0620 (inserted by amendment) the following item:

“4000-0625 For the provision of Title XIX home health services; provided that said appropriation shall be in accordance with 114.3 CMR 50.00 and the funds authorized herein shall be eligible for federal financial participation.....

67,000,000”;

By striking out item 4000-0700 and inserting in place thereof the following item:

“4000-0700 For health care services provided to medical assistance recipients under the executive office's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the executive office's managed care or senior care plans; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated in this item, and provided further, that notwithstanding the foregoing, funds may be expended from this item for the purchase of third party insurance including, but not limited to, Medicare for any medical assistance recipient including, but not limited to, seniors

1,580,139,483”;

By striking out item 4000-0990 and inserting in place thereof the following item:

“4000-0990 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the executive office shall pre-screen enrollees and applicants for Medicaid eligibility; provided further, that no applicant shall be enrolled in said program until said applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the executive office shall maximize federal reimbursements for state expenditures made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion

of funding; provided further, that the executive office shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10F of chapter 118E of the General Laws; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the executive office to be ineligible for MassHealth benefits; provided further, that the secretary of the executive office shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of said section 10E of said chapter 118E have been paid by all enrollees for whom said premiums are applicable; and provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years

21,078,379

General Fund 76.62%
Children's and Seniors' Health Care
Assistance Fund 23.38%”;

By striking out item 4000-1401;

By striking out item 4000-1405 and inserting in place thereof the following item:

“4000-1405 For the operation of a program of preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed; provided, that such persons shall meet the eligibility requirements established under the MassHealth program as established in section 9A of chapter 118E of the General Laws; provided further, that the income of such persons shall not exceed 100 per cent of the federal poverty level; provided further, that said eligibility requirements shall not exclude from eligibility persons who are employed intermittently or on a non-regular basis; provided further, that the provision of care to such persons under this program may, taking into account capacity, continuity of care, and geographic considerations, be restricted to certain providers; provided further, that funds may be expended from this item for health care services provided to recipients in prior fiscal years; provided further, that the secretary of health and human services is hereby authorized to limit or close enrollment if necessary in order to ensure that expenditures from this item do not exceed the amount appropriated herein; provided further, that no funds may be expended from this item prior to October 1, 2005; provided further, that notwithstanding subsection (3) of section 16D of chapter 118E of the General Laws or any other general or special law to the contrary, a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under this item if such individual meets the categorical and financial eligibility requirements pursuant to this item; provided further, that such individual is either age 65 or older or age 19 to 64 and disabled; provided further, that any such individual shall not be subject to sponsor income deeming or related restrictions; and provided further, that funds from this item for health care services

for said noncitizens may be expended as of the effective date of
this act

129,567,170”;

By striking item section 16 and inserting in place thereof the following section:

“SECTION 16. Notwithstanding any general or special law to the contrary, expenditures from the Distressed Provider Expendable Trust Fund shall be dedicated to efforts that are designed to improve and enhance the ability of distressed community providers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support and care coordination services, pharmacy management services or other efforts to create effective coordination between hospital care and ambulatory care sites in the community. The secretary of health and human services shall develop emergency regulations governing the recommended uses of said fund in partnership with the Massachusetts League of Community Health Centers and the Massachusetts Hospital Association; provided, however, that the secretary shall provide a \$285,000 one-time grant from the fund for a community, nonprofit, acute care regional teaching hospital located in Worcester county affiliated with the University of Massachusetts Memorial Health Care System; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a hospital located in Hampden county, west of the Connecticut river with under 100 beds that participates in MassHealth; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a community health center that serves as a family practice residency training site for a commonwealth funded medical school and that assumed the primary care services of the former Worcester City Hospital; provided further, that the secretary shall provide a \$3,250,000 one-time grant from the fund for an acute care hospital located in Holyoke that is affiliated with a commonwealth-owned university medical school and that provides clinical training programs for nurses, allied health professionals and technicians through affiliations with community colleges and private universities; provided further, that the secretary shall provide a \$950,000 one-time grant from the fund for a disproportionate share acute care hospital located in the southeastern Massachusetts division of the medical assistance psychiatric service area that operates an inpatient psychiatric unit within the city of Brockton; provided further, that the secretary shall provide a \$350,000 one-time grant from the fund for a community health center located in the Codman Square neighborhood of the Dorchester section of the city of Boston providing health care to medically underserved patients in the Dorchester section of the city of Boston, that has formed an integrated health services network to provide access to primary and preventive public health services; provided further, that the secretary shall provide a \$350,000 one-time grant from the fund for a community health center located near the Fields Corner neighborhood of the Dorchester section of the city of Boston, on Dorchester Avenue, providing health care to medically underserved patients in said Dorchester section of the city of Boston, that has formed an integrated health services network to provide access to primary and preventive public health services; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for an acute care hospital serving the Melrose and Wakefield communities that operates a family health services clinic; provide further, that the secretary shall provide a \$750,000 one-time grant from the fund for a sole community hospital under the Medicare program located in Barnstable county; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a non-teaching, community, disproportionate share, acute care hospital located in southeastern Massachusetts, which provides inpatient care to over 5,000 MassHealth or MassHealth HMO patients per year; provided further, that the secretary shall provide a \$750,000 one-time grant for Franklin Medical Center in Greenfield; provided further, that the secretary

shall provide a \$150,000 one-time grant from the fund for a community health center serving the towns on the Outer and Lower Cape in Barnstable County for the purpose of developing a 340B pharmacy program; provided further, that the secretary shall provide a \$511,000 one-time grant from the fund for a non-profit, disproportionate share community acute care hospital with less than 115 beds that operates an inpatient psychiatric unit licensed by the department of mental health located in southern Worcester County affiliated with the University of Massachusetts Memorial Health Care System; provided further, that the secretary shall provide a \$100,000 one-time grant from the fund for a community health center located in the city of Lynn providing health care to medically underserved and uninsured patients and which provides a 340B pharmacy program; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for a two hospital system located in Hampden county, one of which hospitals provides inpatient psychiatric services for children and adults and a methadone program; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a not-for-profit acute care hospital located in the northwestern-most portion of Berkshire County; provided further, that the secretary shall provide a \$150,000 one-time grant from the fund to a nonprofit, acute care community hospital located in Middlesex County that serves a 25 town area extending northwest of Boston to the New Hampshire border, has less than 160 licensed medical surgical beds, provides inpatient psychiatric care, and operates a significant hospital-based paramedic program; provided further, that the secretary shall provide a \$2,000,000 one-time grant from the fund for a disproportionate share hospital provider located in the county formerly known as Essex county that has a family practice residency program in partnership with a federally qualified community health center, which program enhances the coordination of cost-effective care delivery in ambulatory settings and at the hospital to underserved populations; provided further, that the secretary shall provide a \$200,000 one-time grant from the fund for Dimock Community Health Center located in the Egleston Square neighborhood in the Roxbury Section of Boston for health care and traditional housing to medically underserved patients from the Roxbury, Dorchester, and Jamaica Plain sections of the city of Boston; provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a health care center located in the city of Revere affiliated with Massachusetts General Hospital; provided further, that the secretary shall provide a \$200,000 one-time grant from the fund for Whittier Street Community Health Center located in the Roxbury section of Boston for adult and child behavioral health services to homeless, immigrant and refugees populations; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for Wing Memorial Hospital in the town of Palmer; provided further, that the secretary shall provide a \$1,000,000 one-time grant from the fund for Mary Lane Hospital in the town of Ware; provided further, that the secretary shall provide a \$250,000 one-time grant from the fund to a not-for-profit long term acute care hospital located the Roxbury section of the City of Boston; provided further, that the secretary shall provide a \$3,500,000 one-time grant from the fund for a community health center located in East Boston which operates both a PACE program and a 340B pharmacy program; provided further, that the secretary shall provide a \$600,000 one-time grant from the fund for Hubbard Regional Hospital; provided further, that the secretary shall provide a \$250,000 one-time grant from the fund for a community health center located in the North End section of the city of Boston; provided further, that the secretary shall provide a \$400,000 one-time grant from the fund for a community health center located in the south end of boston which is the largest provider of community based mental-health services, and serves significant homeless and latino populations; provided further, that the secretary shall provide a \$1,000,000 one-time grant from

the fund for a sole community hospital located in the City of Gardner providing essential community health services and access to care for low-income population in northern Worcester county; provided further, that the secretary shall provide a \$200,000 one-time grant from the fund to a community health center serving the full range of the underserved population throughout the mid-cape area; provided further, that the secretary shall provide a \$5,500,000 one time grant from the fund for a disproportionate share financially distressed community hospital located in Suffolk county with a locked inpatient adolescent psychiatric unit that participates in the MassHealth program; provided further, that the secretary shall provide a \$400,000 one-time grant from the fund to a federally funded section 330 community health center with at least three community health center sites serving medically underserved areas of Dorchester and South Boston, including at least one public housing project; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a teaching hospital located in central Berkshire County; provided further, that the secretary shall provide a \$400,000 one-time grant from the fund for a community health center located in South Boston which is affiliated with the disproportionate share teaching hospital in Suffolk County with the highest volume of free care, which is the primary affiliate of Boston Healthnet, which provides a comprehensive substance abuse program, and which serves a growing Latino and Albanian population; provided further, that the secretary shall provide a \$750,000 one-time grant from the fund for a non-profit Visiting Nurse Association located in Boston, that delivers at least 30 per cent of all MassHealth reimbursed skilled nursing visits and at least 50 per cent of all MassHealth reimbursed home health aide services in Suffolk county; provided further, that the secretary shall provide a \$2,000,000 one-time grant from the fund for a disproportionate share teaching hospital located in Hampden County; and provided further, that the secretary shall provide a \$500,000 one-time grant from the fund for a hospital located in the city of Everett. The secretary of the executive office of health and human services shall file a report not later than November 1, 2005 to the speaker of the house of representatives, the president of the senate and the house and senate committees on ways and means describing the providers funded or to be funded during fiscal year 2006, the amount expended or to be expended for each provider pursuant to this section, and the extent to which any portion of such expenditures are eligible for federal reimbursement. Any federal reimbursements received by the commonwealth for expenditures made from the fund shall be deposited into said fund.”;

By striking out section 18 and inserting in place thereof the following section:

“SECTION 18. Notwithstanding any general or special law to the contrary, during fiscal year 2006 the executive office of health and human services shall expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount equal to the actual amount paid for fiscal year 2005 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the executive office of health and human services, relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The funds may be expended only for payment obligations arising during fiscal year 2006. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The executive office of health and human services shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal

reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account an amount equal to 55 per cent of the gross amounts of supplemental payments made by the executive office of health and human services under managed care contracts with the commissions. An amount equal to 9.09 per cent of the total amount that the Boston and Cambridge public health commissions transfer to the medical assistance intergovernmental transfer account pursuant to this section shall be transferred from the medical assistance intergovernmental transfer account and credited to the Distressed Provider Expendable Trust Fund, established pursuant to chapter 241 of the acts of 2004.”;

By striking out section 20 and inserting in place thereof the following section:

“SECTION 20. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2006, the division of health care finance and policy may administer, as provided in this section, the Uncompensated Care Trust Fund established by section 18 of chapter 118G of the General Laws, to collect assessments as specified in section 1 of said chapter 118G for deposit to the fund, and make certain payments to acute hospitals and community health centers from the uncompensated care pool to offset the costs of services provided to uninsured or low income residents. Said division and the executive office of health and human services may promulgate regulations to implement this section.

The division, in consultation with the executive office, shall ensure that assessment liability to the fund and payments from the uncompensated care pool are structured in a manner that would secure for the General Fund the maximum allowable federal reimbursement under Title XIX, XXI, or any successor federal law.

In hospital fiscal year 2006, the total liability of all acute care hospitals to the fund shall be \$160,000,000. The division shall calculate an assessment percentage rate by dividing \$160,000,000 by the projected annual aggregate private sector charges in the fiscal year for all acute care hospitals. Each acute care hospital's liability to the fund shall be equal to the product of the percentage rate and its private sector charges.

In hospital fiscal year 2006, the total surcharge liability of surcharge payers to the Uncompensated Care Trust Fund shall be \$160,000,000. The surcharge amount for each surcharge payer shall be equal to the product of: (a) the surcharge percentage; and (b) amounts paid for services of an acute hospital or ambulatory surgical center by each surcharge payer. The division shall calculate the surcharge percentage by dividing \$160,000,000 by the projected annual aggregate payments subject to surcharge, as defined in said section 1 of said chapter 118G.

All Title XIX federal financial participation revenue generated by hospital payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division or the executive office, shall be credited to the General Fund.

All hospital payments made pursuant to this section shall be subject to federal approval and conditioned on the receipt of full federal financial participation. All such payments shall be established in accordance with Title XIX of the Social Security Act, or any successor federal law, any regulations promulgated thereunder, and the commonwealth's Title XIX state plan.

The division shall calculate an annual payment liability from the uncompensated care pool to each acute care hospital for fiscal year 2006. In determining the liability amount, the division shall (a):

(1) calculate each hospital's actual free care cost for the 12-month period from October 1, 2003 to September 30, 2004 by using each hospital's actual submitted free care charges to the division on the UC-04 times its ratio of costs to charges for pool fiscal year 2004;

(2) project each hospital's free care costs above for Pool Fiscal Year 2005 by using a cost growth factor of 7.6 per cent;

(3) project each hospital's total free care costs for pool fiscal year 2006 by multiplying each hospital's pool fiscal year 2005 projected free care costs from subclause (2) by a cost growth factor of 7.6 per cent; and

(4) take into account such factors as the financial burden of hospitals that provide proportionately the largest volume of free care and the situation of any free-standing pediatric hospital with a disproportionately low volume of Title XVIII payments; and

(b) allocate the available funds in a manner that pays to each hospital a fixed percentage of its projected free care costs for hospital fiscal year 2006, as determined by the division using prior year data and considering the total funds available for the purpose; provided, however, that the fixed percentage shall not be less than 85 per cent of free care costs as defined in said section 1 of said chapter 118G for the two disproportionate share hospitals with the highest relative volume of free care costs in hospital fiscal year 2003, and not less than 88 per cent of free care costs, as defined in said section 1 of said chapter 118G, for the 14 acute hospitals with the next highest relative volume of free care costs in that year; provided further, that in order to identify said 16 hospitals, the division shall rank all hospitals based on the percentage of each hospital's free care costs divided by the total free care costs of all hospitals in the commonwealth. All other acute care hospitals shall receive the highest possible percentage of free care costs given available remaining funds. The hospital fiscal year 2006 annual liability amount to each hospital shall be funded by the trust fund; provided, however, that the liability may be satisfied through either a disproportionate share payment or adjustment to Title XIX service rate adjustment payment, or combination thereof, in accordance with the terms provided for in an agreement entered into by an acute care hospital and the executive office. The comptroller, in consultation with the division and the executive office, shall transfer funds from the trust fund to the executive office for the purpose of the Title XIX service rate adjustment payments.

The executive office may use other federally-permissible funding mechanisms available for publicly-operated hospitals and hospitals with an affiliation with a publicly-operated health care entity to reimburse up to \$70,000,000 of uncompensated care costs at the hospitals using sources distinct from the funding made available to the trust fund under this section.

The executive office shall make payments from the uncompensated care pool for services provided by community health centers to low income residents. The executive office shall structure such payments to maximize allowable federal reimbursement under Title XIX. Pursuant to section 117 of chapter 140 of the Acts of 2003, all Title XIX federal financial participation revenue generated by community health center payments funded by the Uncompensated Care Trust Fund, whether the payments are made by the division or the executive office, shall be retained in a separate account within the Uncompensated Care Trust Fund and expended, without further appropriation, for uncompensated care pool payments to community health centers, in addition to the amount specified in the following paragraph.

In hospital fiscal year 2006, \$466,000,000 from the trust fund shall be credited to the uncompensated care pool for payments to acute hospitals provided for herein. In addition to the federal financial participation to be retained in, and expended from, the trust fund for community health centers pursuant to the preceding paragraph of this section, \$56,000,000 from the trust fund shall be credited to the pool for payments to community health centers provided for in this section; and \$4,000,000 shall be credited for administrative expenses, including demonstration projects pursuant to sections 21 and 22 of chapter 47 of the acts of 1997, as amended by sections 156, 157, and 158 of chapter 184 of the acts of 2002.

In hospital fiscal year 2006, the office of the inspector general is hereby authorized to continue to expend funds appropriated in chapter 240 of the acts of 2004 from the Uncompensated Care Trust Fund for the costs associated with maintaining a pool audit unit within said office. The unit shall continue to oversee and examine the practices in emergency rooms of all Massachusetts' hospitals concerning the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2006. For the purposes of the audits, allowable free care services shall be as provided in chapter 118G of the General Laws and any applicable regulations.”; and

By striking out section 24 and inserting in place thereof the following section:

“SECTION 24. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the office of the state treasurer, the executive office for administration and finance, and the executive office of health and human services, develop a schedule for making a series of transfers not to exceed \$171,900,000 from the General Fund to the Uncompensated Care Trust Fund for the purpose of making revenues available for the administration of the uncompensated care pool, established under subsection (d) of section 18 of chapter 118G of the General Laws, as appearing in the 2002 Official Edition. Said schedule shall make said transfers in increments as deemed appropriate to meet the cash flow needs of the commonwealth and said uncompensated care pool; provided, that said transfers shall not begin before October 1, 2005 and shall be completed on or before June 30, 2006.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Walrath of Stow; and on the roll call 148 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 51 in Supplement.]

Therefore the amendments were adopted.

At twenty-two minutes after three o'clock P.M. (Friday, April 29), on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until five o'clock; and at a quarter after five o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. DeLeo of Winthrop then moved, there being no objection, that the vote be reconsidered by which the House, previously to the recess, adopted amendments (offered by him) of Winthrop in section 2, in items 4000-0300, etc. (see roll call number 51), and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that they be amended in section 16 (inserted by amendment), in lines 64, 65 and 66, by striking out the following: "\$1,000,000 one-time grant from the fund for a two hospital system located in the Hampden county, one of which hospitals provides inpatient psychiatric services for children and adults and a methadone program" and inserting in place thereof the following: \$4,000,000 one-time grant from the fund for statewide providers with the service area of the Sisters of

Providence Health System and Providence Behavioral Health Hospital;"; and the further amendment was adopted.

The recurring amendments, as amended, then also were adopted.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that the bill be amended in section 2, in item 1102-3301 by striking out the figures "6,474,189" and inserting in place thereof the figures "6,549,189";

In item 0950-0000 by striking out the figures "145,000" and inserting in place thereof the figures "195,000";

By striking out item 1108-5200 and inserting in place thereof the following item:

"1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2006; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by the state indemnity health insurance plan shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means and the joint committee on healthcare financing the amounts expended from this item for said prior year costs; provided further, that said commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that notwithstanding section 8 of chapter 32A of the General Laws, the commonwealth's share of such premiums for active state employees and their dependents whose salary, as determined by the commission in consultation with the human resources division

and the office of the state comptroller, is between \$0 and \$34,999, shall be 85 per cent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents whose salary, as determined by the commission in consultation with the human resources division and the office of the state comptroller, is \$35,000 and greater, shall be 80 per cent of such premiums and rates; provided further, that the preceding provisions pursuant to employee contributions shall sunset December 31, 2005 at which time the commonwealth's share of such premiums for active state employees and their dependents shall be 85 percent; provided further, that the commonwealth's share of such premiums for active state employees and their dependents who are hired after June 30, 2003 shall be 75 per cent of such premiums and rates; provided further, that the preceding provision pursuant to employee contributions shall sunset December 31, 2005 at which time the commonwealth's share of such premiums for active state employees hired after June 30, 2003 and their dependents shall be 80 percent; provided further, that notwithstanding any general or special law to the contrary, during fiscal year 2005, said commission shall continue to provide health insurance coverage for employees and members of the board of bar examiners, both full-time and part-time, that were employed by said board as of January 1, 2003, consistent with coverage provided to state employees pursuant to this item; and provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year

949,010,107";

In item 1232-0100 by striking out the figures "9,200,000" and inserting in place thereof the figures "14,200,000";

In item 1599-3857 by striking out the figures "1,100,000" and inserting in place thereof the figures "1,300,000";

In item 1775-0100 by striking out the figures "1,368,559" and inserting in place thereof the figures "1,468,559";

In item 7006-0010 by striking out the figures "10,995,594" and inserting in place thereof the figures "11,178,594";

In item 7006-0040 by striking out the figures "3,589,022" and inserting in place thereof the figures "4,089,022"; and

In item 9600-0000 by striking out the figures "30,872,678" and inserting in place thereof the figures "32,678,401".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Kaufman of Lexington; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 52 in Supplement.]

[Mr. deMacedo of Plymouth answered "Present" in response to his name.]

Therefore the amendments were adopted.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 43. Section 350 of chapter 149 of the acts of 2004 is hereby repealed.

SECTION 44. Notwithstanding any general or special law to the contrary, for fiscal years 2006 and thereafter, the total amount allocated for distribution to cities and towns pursuant to section 35 of chapter 10 of the General Laws shall be the sum of the amount distributed in fiscal year 2005 and: (i) in fiscal year 2006, 45 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable; (ii) in fiscal year 2007, 75 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable. For fiscal year 2008 and thereafter the distribution of lottery proceeds shall be determined pursuant to section 35 of chapter 10 of the General Laws.”.

Pending the question on adoption of the amendment, Mr. Hill of Ipswich and other members of the House moved that it be amended [at “A] by striking out the word “sections” and inserting in place thereof the word “section”, and by striking out the sections contained in lines 6 to 18, inclusive, and inserting in place thereof the following section:

“SECTION 43. Notwithstanding any general or special law to the contrary, for fiscal years 2006 and thereafter, the total amount allocated for distribution to cities and towns pursuant to section 35 of chapter 10 of the General Laws shall be the sum of the amount distributed in fiscal year 2005 and: (i) in fiscal year 2006, 45 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable; (ii) in fiscal year 2007, 65 per cent of the difference between the fiscal year 2005 distribution and the amount that would otherwise be payable; (iii) in fiscal year 2008, 85 per cent of the difference between the 2005 distribution and the amount that would otherwise be payable. For fiscal year 2009 and thereafter the distribution of lottery proceeds shall be determined pursuant to section 35 of chapter 10 of the General Laws.”.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 53 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Jones of North Reading, et als.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 44. Notwithstanding any general or special law to the contrary, in the event taxable revenue available for appropriation or supplemental appropriation for fiscal year 2006 exceeds \$14,624,039,261, in the absence of any changes in statute relating to taxation enacted after January 15, 2005, the treasurer shall make fifty percent of such excess taxable revenue, up to \$200,000,000, available for distribution to the cities and towns of the commonwealth according to the lottery formula without further appropriation; provided, that the treasurer shall notify the house and senate chairs of the committee on ways and means of any distribution which is made according to this section not less than 30 days prior to the date such distribution is planned.”.

After remarks on the question on adoption of the amendment, Ms. St. Fleur of Boston and other members of the House moved that it be amended by striking out the section contained in lines 5 to 15, inclusive and inserting in place thereof the following section:

“SECTION 44. Notwithstanding any general or special law to the contrary, the commissioner of the department of revenue shall study the total amount of tax revenue available for appropriation or supplemental appropriation for fiscal years 1995 through and including 2006; provided further, that such report shall include, but not be limited to, the level of local aid

distributed to the cities and towns of the commonwealth for each such fiscal year according to the lottery formula.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 131 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 54 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Jones of North Reading, et als.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by inserting after item 7061-0008 the following item:

“7061-0011 For a reserve to (1) meet extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 32 of this act; provided, further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 20 percent in a municipality’s required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided further, that said funds may be used by the municipality to reduce its contribution to said district solely for fiscal year 2006 and said reduction shall not be considered a permanent reduction in required contribution in fiscal year 2007; (3) meet expenses associated with extraordinary increases in enrollment from fiscal year 2002 through fiscal year 2006 calculated on a percentage basis for such municipalities; provided further, that preference shall be given to districts which received no increases in Chapter 70 aid, so-called, notwithstanding said enrollment increases; (4) address the effects of reductions in per pupil chapter 70 aid between fiscal year 2002 and fiscal year 2006; provided, that preference in the awarding of such funds shall be given to districts which receive less than 40 per cent of their foundation budgets as chapter 70 aid, and which received reductions in chapter 70 aid between fiscal year 2003 and fiscal year 2004; (5) assist regional school districts which, prior to fiscal year 2006, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2006, will assess member towns using the required contributions calculated pursuant to chapter 70 of the General Laws and section 3 of this act; (6) assist municipalities with median income below the state average and equalized valuation per capita above the state average; provided further, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 20 per cent of their foundation budgets; (7) assist urban districts with high fixed costs and enrollment declines of greater than 3 per cent in fiscal year 2006 resulting in no increase in Chapter 70 aid; (8) meet extraordinary legal costs in excess of \$100,000 arising from successful appeals of decisions rendered by the Bureau of Special Education Appeals; provided further, that any such awards shall be limited to 50% of eligible costs incurred,

and in no instance shall exceed \$250,000; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2005; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2007

2,500,000”;

In item 7061-0008 by striking out the figures “3,260,512,757” and inserting in place thereof the figures “3,288,931,062”; and

By inserting after section 3 the following section:

“SECTION 3B. Notwithstanding section 3 of this act or any general or special law to the contrary, for the fiscal year ending June 30, 2006, there shall be an additional Chapter 70 school aid distribution to cities, towns and regional school districts in the amount of \$28,418,305 to ensure that each municipal and regional school district receives an increase of not less than \$50 per student above the amount of Chapter 70 aid the municipality or school district received in fiscal year 2005 and that this distribution shall be apportioned in accordance with this section.

District	Additional Chapter 70 Distribution
ABINGTON	116,800
ACTON	120,700
ACUSHNET	0
ADAMS	0
AGAWAM	0
ALFORD	0
AMESBURY	132,950
AMHERST	0
ANDOVER	289,750
ARLINGTON	216,500
ASHBURNHAM	0
ASHBY	0
ASHFIELD	450
ASHLAND	122,050
ATHOL	0
ATTLEBORO	315,400
AUBURN	115,850
AVON	28,400
AYER	51,850
BARNSTABLE	315,500
BARRE	100
BECKET	0
BEDFORD	118,100
BELCHERTOWN	0
BELLINGHAM	134,000
BELMONT	178,400
BERKLEY	54,450
BERLIN	11,100
BERNARDSTON	0

District	Additional Chapter Distribution	70
BEVERLY	225,650	
BILLERICA	311,950	
BLACKSTONE	400	
BLANDFORD	250	
BOLTON	0	
BOSTON	3,136,350	
BOURNE	122,500	
BOXBOROUGH	27,900	
BOXFORD	45,400	
BOYLSTON	17,750	
BRAINTREE	248,750	
BREWSTER	26,950	
BRIDGEWATER	0	
BRIMFIELD	14,900	
BROCKTON	0	
BROOKFIELD	5,764	
BROOKLINE	292,200	
BUCKLAND	0	
BURLINGTON	179,700	
CAMBRIDGE	331,100	
CANTON	145,950	
CARLISLE	38,950	
CARVER	100,900	
CHARLEMONT	400	
CHARLTON	0	
CHATHAM	29,100	
CHELMSFORD	283,400	
CHELSEA	67,801	
CHESHIRE	0	
CHESTER	0	
CHESTERFIELD	650	
CHICOPEE	0	
CHILMARK	0	
CLARKSBURG	9,633	
CLINTON	32,702	
COHASSET	73,350	
COLRAIN	0	
CONCORD	96,300	
CONWAY	6,300	
CUMMINGTON	250	
DALTON	750	
DANVERS	183,250	
DARTMOUTH	0	
DEDHAM	135,100	
DEERFIELD	0	
DENNIS	0	
DIGHTON	0	

District	Additional Chapter Distribution	70
DOUGLAS	0	
DOVER	31,550	
DRACUT	208,100	
DUDLEY	0	
DUNSTABLE	0	
DUXBURY	159,200	
EAST BRIDGEWATER	0	
EAST BROOKFIELD	0	
EASTHAM	10,650	
EASTHAMPTON	76,091	
EAST LONGMEADOW	137,350	
EASTON	186,700	
EDGARTOWN	20,050	
EGREMONT	0	
ERVING	12,050	
ESSEX	0	
EVERETT	0	
FAIRHAVEN	87,493	
FALL RIVER	0	
FALMOUTH	208,600	
FITCHBURG	0	
FLORIDA	5,150	
FOXBOROUGH	0	
FRAMINGHAM	398,650	
FRANKLIN	0	
FREETOWN	27,950	
GARDNER	0	
GAY HEAD	0	
GEORGETOWN	0	
GILL	0	
GLOUCESTER	203,000	
GOSHEN	550	
GOSNOLD	350	
GRAFTON	0	
GRANBY	7,347	
GRANVILLE	14,650	
GREAT BARRINGTON	0	
GREENFIELD	107,450	
GROTON	0	
GROVELAND	0	
HADLEY	31,350	
HALIFAX	0	
HAMILTON	0	
HAMPDEN	0	
HANCOCK	0	
HANOVER	0	
HANSON	150	

District	Additional Chapter Distribution	70
HARDWICK	0	
HARVARD	62,150	
HARWICH	77,800	
HATFIELD	0	
HAVERHILL	386,050	
HAWLEY	0	
HEATH	0	
HINGHAM	178,150	
HINSDALE	450	
HOLBROOK	68,300	
HOLDEN	0	
HOLLAND	9,450	
HOLLISTON	142,600	
HOLYOKE	0	
HOPEDALE	52,600	
HOPKINTON	0	
HUBBARDSTON	0	
HUDSON	127,800	
HULL	73,750	
HUNTINGTON	550	
IPSWICH	97,700	
KINGSTON	57,450	
LAKEVILLE	5,791	
LANCASTER	0	
LANESBOROUGH	13,250	
LAWRENCE	0	
LEE	38,300	
LEICESTER	94,300	
LENOX	38,300	
LEOMINSTER	0	
LEVERETT	5,750	
LEXINGTON	301,500	
LEYDEN	0	
LINCOLN	34,600	
LITTLETON	76,600	
LONGMEADOW	162,200	
LOWELL	758,600	
LUDLOW	0	
LUNENBURG	83,150	
LYNN	0	
LYNNFIELD	100,600	
MALDEN	0	
MANCHESTER	0	
MANSFIELD	0	
MARBLEHEAD	0	
MARION	20,950	
MARLBOROUGH	235,550	

District	Additional Chapter Distribution	70
MARSHFIELD	0	
MASHPEE	105,500	
MATTAPOISETT	24,100	
MAYNARD	65,700	
MEDFIELD	0	
MEDFORD	254,950	
MEDWAY	139,000	
MELROSE	174,900	
MENDON	0	
MERRIMAC	0	
METHUEN	0	
MIDDLEBOROUGH	180,850	
MIDDLEFIELD	0	
MIDDLETON	0	
MILFORD	199,450	
MILLBURY	99,100	
MILLIS	51,849	
MILLVILLE	0	
MILTON	175,400	
MONROE	1,150	
MONSON	0	
MONTAGUE	0	
MONTEREY	0	
MONTGOMERY	0	
MOUNT WASHINGTON	750	
NAHANT	20,350	
NANTUCKET	59,950	
NATICK	231,300	
NEEDHAM	234,950	
NEW ASHFORD	0	
NEW BEDFORD	0	
NEW BRAINTREE	0	
NEWBURY	0	
NEWBURYPORT	114,200	
NEW MARLBOROUGH	0	
NEW SALEM	0	
NEWTON	572,250	
NORFOLK	53,950	
NORTH ADAMS	98,550	
NORTHAMPTON	148,100	
NORTH ANDOVER	218,300	
NORTH ATTLEBOROUGH	0	
NORTHBOROUGH	93,350	
NORTHBRIDGE	0	
NORTH BROOKFIELD	0	
NORTHFIELD	0	
NORTH READING	0	

District	Additional Chapter Distribution	70
NORTON	0	
NORWELL	102,150	
NORWOOD	184,500	
OAK BLUFFS	0	
OAKHAM	0	
ORANGE	35,700	
ORLEANS	11,600	
OTIS	0	
OXFORD	0	
PALMER	0	
PAXTON	900	
PEABODY	0	
PELHAM	5,100	
PEMBROKE	0	
PEPPERELL	0	
PERU	0	
PETERSHAM	0	
PHILLIPSTON	0	
PITTSFIELD	0	
PLAINFIELD	100	
PLAINVILLE	22,113	
PLYMOUTH	427,800	
PLYMPTON	11,750	
PRINCETON	0	
PROVINCETOWN	8,500	
QUINCY	428,850	
RANDOLPH	180,100	
RAYNHAM	0	
READING	11,722	
REHOBOTH	0	
REVERE	0	
RICHMOND	12,800	
ROCHESTER	0	
ROCKLAND	129,400	
ROCKPORT	51,900	
ROWE	2,850	
ROWLEY	0	
ROYALSTON	0	
RUSSELL	0	
RUTLAND	50	
SALEM	245,600	
SALISBURY	0	
SANDISFIELD	0	
SANDWICH	198,250	
SAUGUS	155,800	
SAVOY	0	
SCITUATE	0	

District	Additional Chapter Distribution	70
SEEKONK	112,800	
SHARON	44,392	
SHEFFIELD	0	
SHELBURNE	0	
SHERBORN	24,400	
SHIRLEY	34,317	
SHREWSBURY	0	
SHUTESBURY	7,250	
SOMERSET	132,400	
SOMERVILLE	283,450	
SOUTHAMPTON	26,850	
SOUTHBOROUGH	76,600	
SOUTHBRIDGE	0	
SOUTH HADLEY	0	
SOUTHWICK	0	
SPENCER	2,950	
SPRINGFIELD	0	
STERLING	0	
STOCKBRIDGE	0	
STONEHAM	141,400	
STOUGHTON	110,191	
STOW	0	
STURBRIDGE	39,250	
SUDBURY	151,600	
SUNDERLAND	10,350	
SUTTON	81,850	
SWAMPSCOTT	107,150	
SWANSEA	101,850	
TAUNTON	0	
TEMPLETON	0	
TEWKSBURY	102,646	
TISBURY	16,550	
TOLLAND	0	
TOPSFIELD	0	
TOWNSEND	0	
TRURO	11,900	
TYNGSBOROUGH	0	
TYRINGHAM	1,600	
UPTON	50	
UXBRIDGE	109,300	
WAKEFIELD	171,600	
WALES	7,250	
WALPOLE	185,450	
WALTHAM	238,500	
WARE	67,200	
WAREHAM	166,750	
WARREN	0	

District	Additional Chapter Distribution	70
WARWICK	0	
WASHINGTON	0	
WATERTOWN	124,550	
WAYLAND	143,250	
WEBSTER	0	
WELLESLEY	220,600	
WELLFLEET	7,450	
WENDELL	0	
WENHAM	0	
WESTBOROUGH	174,000	
WEST BOYLSTON	52,000	
WEST BRIDGEWATER	50,050	
WEST BROOKFIELD	0	
WESTFIELD	39,845	
WESTFORD	248,050	
WESTHAMPTON	7,650	
WESTMINSTER	0	
WEST NEWBURY	0	
WESTON	113,600	
WESTPORT	89,150	
WEST SPRINGFIELD	198,750	
WEST STOCKBRIDGE	0	
WEST TISBURY	0	
WESTWOOD	142,200	
WEYMOUTH	0	
WHATELY	6,600	
WHITMAN	500	
WILBRAHAM	0	
WILLIAMSBURG	8,950	
WILLIAMSTOWN	19,950	
WILMINGTON	185,550	
WINCHENDON	91,050	
WINCHESTER	177,700	
WINDSOR	100	
WINTHROP	95,900	
WOBURN	231,300	
WORCESTER	0	
WORTHINGTON	700	
WRENTHAM	59,200	
YARMOUTH	0	
NORTHAMPTON SMITH	6,200	
ACTON BOXBOROUGH	0	
ADAMS CHESHIRE	85,700	
AMHERST PELHAM	98,900	
ASHBURNHAM		
WESTMINSTER	117,650	
ATHOL ROYALSTON	0	
BERKSHIRE HILLS	58,000	

District	Additional Chapter Distribution	70
BERLIN BOYLSTON	20,150	
BLACKSTONE MILLVILLE	107,350	
BRIDGEWATER RAYNHAM	255,643	
CHESTERFIELD GOSHEN	8,150	
CENTRAL BERKSHIRE	111,650	
CONCORD CARLISLE	64,950	
DENNIS YARMOUTH	203,500	
DIGHTON REHOBOTH	0	
DOVER SHERBORN	53,100	
DUDLEY CHARLTON	0	
NAUSET	89,650	
FARMINGTON RIVER	14,700	
FREETOWN LAKEVILLE	94,050	
FRONTIER	37,100	
GATEWAY	69,900	
GROTON DUNSTABLE	142,800	
GILL MONTAGUE	61,300	
HAMILTON WENHAM	71,748	
HAMPDEN WILBRAHAM	191,850	
HAMPSHIRE	43,050	
HAWLEMONT	6,950	
KING PHILIP	0	
LINCOLN SUDBURY	75,700	
MANCHESTER ESSEX	58,700	
MARTHAS VINEYARD	42,400	
MASCONOMET	105,750	
MENDON UPTON	0	
MOUNT GREYLOCK	31,350	
MOHAWK TRAIL	67,650	
NARRAGANSETT	0	
NASHOBA	151,250	
NEW SALEM WENDELL	6,900	
NORTHBORO SOUTHBORO	28,509	
NORTH MIDDLESEX	226,300	
OLD ROCHESTER	60,650	
PENTUCKET	162,600	
PIONEER	48,950	
QUABBIN	0	
RALPH C MAHAR	40,850	
SILVER LAKE	87,450	
SOUTHERN BERKSHIRE	46,150	
SOUTHWICK TOLLAND	0	
SPENCER EAST	0	
BROOKFIELD	0	
TANTASQUA	86,800	
TRITON	167,500	
UPISLAND	20,500	
WACHUSETT	75,308	

District	Additional Chapter Distribution	70
QUABOAG	0	
WHITMAN HANSON	0	
ASSABET VALLEY	36,050	
BLACKSTONE VALLEY	0	
BLUE HILLS	38,400	
BRISTOL PLYMOUTH	0	
CAPE COD	36,350	
FRANKLIN COUNTY	0	
GREATER FALL RIVER	0	
GREATER LAWRENCE	0	
GREATER NEW BEDFORD	0	
GREATER LOWELL	0	
SOUTH MIDDLESEX	35,450	
MINUTEMAN	25,750	
MONTACHUSETT	0	
NORTHERN BERKSHIRE	0	
NASHOBA VALLEY	22,150	
NORTHEAST		
METROPOLITAN	0	
NORTH SHORE	22,950	
OLD COLONY	22,550	
PATHFINDER	0	
SHAWSHEEN VALLEY	61,600	
SOUTHEASTERN	0	
SOUTH SHORE	0	
SOUTHERN WORCESTER	0	
TRI COUNTY	40,650	
UPPER CAPE COD	32,750	
WHITTIER	50,250	
BRISTOL COUNTY	0	
ESSEX COUNTY	21,250	
NORFOLK COUNTY	11,550	
STATE TOTAL	28,418,305”.	

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 55 in Supplement.]

Therefore the amendments were adopted.

Mrs. Harkins of Needham being in the Chair,-

Mr. DeLeo of Winthrop moved, there being no objection, that the vote be reconsidered by which the House, at the previous session, adopted amendments, offered by him, et als in section 2, in items 7000-9101, etc. (see roll call number 50); and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that they be amended by striking out proposed section 5A; and the further amendment was adopted.

The recurring amendments, as amended, then also were adopted.

Mr. DeLeo of Winthrop and other members of the House then moved that it be amended in line item 7002-0700 by striking out the figures “450,126” and inserting in place thereof the figures “530,126”;

By striking out item 7003-0702 and inserting in place thereof the following item:

“7003-0702 For grants to be administered by the department of workforce development; provided, that not less than \$500,000 shall be expended for a high school science teacher training program in biotechnology operated by Commonwealth Corporation; provided further, that not less than \$400,000 shall be expended for the Commonwealth Corporation; provided further, that \$50,000 shall be expended for the Allston-Brighton Vocational Adjustment Center (VAC) for the continued operation of a job training and placement center; provided further, that \$75,000 shall be expended on the Martin Luther King Jr. Business Empowerment Center in the city of Worcester; provided further, that not less than \$100,000 shall be expended for Centro Las Americas to provide workforce training, educational services and other transitional services in the city of Worcester; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund; provided further, that not less than \$200,000 shall be expended on the Southeastern Economic Development Corporation's microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned by or employ income-eligible residents; provided further, that not less than \$250,000 shall be allocated for the so-called Acre urban revitalization project in the City of Lowell; provided further, that not less than \$250,000 shall be allocated for the so-called Jackson-Appleton-Middlesex plan in the City of Lowell; provided further, that not less than \$300,000 shall be expended for a hospital skill training program to be operated by the Commonwealth Corporation; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response satellite staff at the Massachusetts AFL-CIO; provided further, that not less than \$135,000 shall be expended for 1.5 full-time equivalent incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the support of programs operated by a farm workers' council serving low income persons and the Hispanic community in western Massachusetts; provided further, that not less than \$300,000 shall be expended for the Jewish Memorial Hospital for the purposes of employee skills training and development; provided further, that not less than \$100,000 shall be expended for the MetroWest/495 Corridor Partnership, as successor to the I-495 Technology Initiative; provided further, that not less than \$90,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services, and other transitional services in the city of Chelsea; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$250,000 shall be expended for the Center for Women and Enterprise; provided that \$75,000 shall be expended as a planning grant for the Springfield Health Careers Partnership Program, UMASS/Amherst School of Public Health and Health Sciences; provided further, that

not less than \$75,000 shall be expended to support the Technology Initiative of the Metro South/West Regional Employment Board for the development of the Technology Centers of Excellence serving the region's youth and business, and said grant shall require a 200 per cent match from the private sector; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$350,000 shall be provided to the town of Blackstone for the lake hiawatha area; provided further, that not less than \$7,500 shall be expended for the Bonnie Brae Camp, located in the City of Gardner; provided further, that not less than \$900,000 shall be expended on the Massachusetts Service Alliance for the operation of the youth, senior service and conservation corps program; provided further, that \$100,000 shall be expended for the Boston Health Care and Research Training Institute; provided further, that not less than \$250,000 shall be expended for a gang intervention prevention program called the At-Risk Teens Youth Project, operated by the Center for Teen Empowerment Inc., for the community of Somerville; provided further, that not less than \$40,000 shall be expended to enhance the economic vitality of the Santilli circle area in Everett; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$250,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts; provided further, that not less than \$150,000 shall be expended to provide employment, training and job placement by Year Up of Boston; provided further, that the contribution of said funds shall be matched by contributions from private entities equal to two times the expenditures from this item; and provided further, that not less than \$65,000 shall be expended for economic and workforce development opportunities in the downtown and waterfront districts in the city of Lynn

5,649,500

Workforce Training Fund 100.0%”;

By striking out item 7003-0803 and inserting in place thereof the following item:

“7003-0803 For the one-stop career centers; provided, that not less than \$2,750,000 shall be expended for the one-stop career centers, that were in existence on May 1, 1997, located in the Boston, Hampden county and the Metro North region service delivery areas and any satellite offices thereof which opened on or before December 1, 1997; and provided further, that \$88,000 shall be expended for a re-entry initiative program within the Hampden Sheriffs Department

4,000,000”;

By inserting after item 7007-0300 the following two items:

“7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth

500,000

7007-0507 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy 600,000”;

By striking out item 7007-0515 and inserting in place thereof the following item:

“7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than \$150,000 shall be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998 550,000”;

By striking out item 7007-0900 and inserting in place thereof the following item:

“7007-0900 For the operation and administration of the office of travel and tourism and for grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identifies each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$25,000 shall be expended for the economic development project at the Salisbury chamber of commerce; provided further, that said office shall grant not less than \$4,000,000 to the Massachusetts International Marketing Partnership Incorporated, the business entity awarded the contract pursuant to section 60 of chapter 141 of the acts of 2003 for the express purpose of implementing the strategic marketing and promotional program to recover the Commonwealth's lost international market share; provided further, that \$50,000 shall be expended for the Louis D. Brown Peace Institute; provided further, that not less than \$450,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership; provided further, that \$75,000 shall be appropriated to the Waltham Tourism Council; provided further, that \$200,000 shall be expended for Roca, Inc., for early intervention programs for at-risk youth in East Boston, Chelsea and Revere; provided further, that not less than \$25,000 shall be expended to operate the Cape Cod Junior Technology Council; provided further, that not less than \$40,000 shall be expended for the Newburyport Economic Development Department's Jump Start Program; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$37,813 shall be expended for the New

Bedford Art Museum for tourism promotion; provided further, that not less than \$250,000 shall be expended for the Route 9/Lakeway Business District through the Lakeway Overlay District Fund in the Town of Shrewsbury; provided further, that \$200,000 shall be expended Mahaiwe Theatre; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in the city of Fall River; provided further, that not less than \$250,000 shall be expended for the Southcoast Development Partnership for the purposes of regional tourism and economic development; provided further, that not less than \$150,000 shall be expended for a child safety program in the city of Revere; provided further, that not less than \$300,000 shall be expended for the Mohawk Theatre; provided further, that not less than \$10,000 shall be provided for the Clark Cemetery on Prospect Street in the Town of Auburn; provided further, that not less than \$25,000 shall be provided for the Auburn Historical Museum in the Town of Auburn; provided further, that not less than \$50,000 shall be provided for the Asa Waters Mansion in the Town of Millbury; provided further, that \$100,000 shall be expended for the Buzzards Bay Village Association; provided further, that not less than \$25,000 shall be expended for the Natural History Museum in the town of Brewster; provided further, that not less than \$30,000 shall be made available for the Historic Woodcock Garrison House and One-Room School House in the town of North Attleboro; provided further, that not less than \$100,000 shall be expended for the Old Provincial State House; provided further, that not less than \$150,000 shall be expended for a child safety program in the town of Winthrop; provided further, that not less than \$60,000 shall be expended to continue the economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$60,000 shall be expended for New England Puerto Rican Association (NEPRA); provided further, that \$200,000 shall be made available to Franklin for economic development; provided further, that not less than \$50,000 shall be expended for the Cultural Connections Program of the Russian Community Association of Massachusetts in the city of Springfield; provided further, that not less than \$50,000 shall be expended for the purposes of the operation of the programs of the Riverside Theatre Works, an organization located in the Hyde Park section of the City of Boston; provided further, that not less than \$75,000 shall be expended for the North End Visitor Center in the City of Boston; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in the Massachusetts Management Accounting and Reporting System; provided further, that said office shall be required to make travel arrangements for all international travel not less than 7 days before departure; provided further, that the office shall dedicate 1 full-time equivalent employee to the advisory commission on travel and tourism; provided further, that the office shall make every effort to develop tourism in under-visited regions of the commonwealth; provided further, that not less than \$100,000, subject to 100 percent funding match, shall made available to the Boston Symphony Orchestra venue at Tanglewood; provided further, that not less than \$40,000 shall be expended from this item for the purpose of the operation and the promotion of the Ipswich

Shuttle Bus service; provided further, that not less than \$350,000 shall be expended to enhance tourism along the South Lawrence river in the city of Lawrence; provided further, that not less than \$100,000 be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2006 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that not less than \$50,000 shall be expended for the Office of Community Collaborations and Program Development at the New England Conservatory of Music in the city of Boston; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council for tourism marketing and advertising purposes; provided further, that not less than \$250,000 be expended for the Merrimack Valley Chamber of Commerce to establish the Merrimack Valley Chamber Technical Program; provided further, that not less than \$200,000 shall be expended for a grant for From The Top Inc; provided further, that not less than \$200,000 shall be expended for public safety activities in the town of Holbrook; provided further, that not less than \$30,000 shall be expended by the Town of Berkley to continue MITNS, so-called, activities; provided further, that not less than \$125,000 for the nonprofit organization, the Worcester Center for the Performing Arts, Inc; provided further, that not less than \$25,000 shall be expended for the Friends of the Quabbin, Inc; provided further, that not less than \$100,000 shall be expended for the Russian Community Association of Massachusetts in Boston; and provided further, that \$75,000 shall be expended for the Cultural Center of Cape Cod

17,596,095

Tourism Fund 100.0%”;

In item 7007-1200 by adding at the end thereof the following: "; provided further, that funds shall be expended on a grant to study the creation, operation, and evaluation of a pilot wireless student learning initiative at the New Boston Pilot School in the City of Boston; and provided further, that funds may be expended on one-time grants-in-aid and development assistance in support of creation and operation of a region-wide broadband initiative in Western Massachusetts”; and

By inserting after item 7007-1200 the following item:

“7007-1300 For the operation of the Massachusetts international trade council

960,000

Tourism Fund 100.0%”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Rodrigues of Westport; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 56 in Supplement.]

[Representatives Travis of Rehoboth and Walz of Boston answered "Present" in response to their names.]

Therefore the amendments were adopted.

Mr. Fallon of Malden then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 45. Section 4I of Chapter 7, as appearing in the 2003 Official Edition, is hereby amended by striking out the first three paragraphs in there entirety and inserting in place thereof the following paragraphs:—

There shall be within the executive office for administration and finance, but not under its supervision or control, a commission to be known as the civil service commission, consisting of five members, two of whom because of vocation, employment, occupation or affiliation, can be classified as a bona fide representative of labor; 1 of whom shall have prior experience serving as a town administrator, city manger, selectman or city councilor, with whom the fifth member being appointed by a majority vote by the Auditor, Senate President and Speaker of the House.

Upon the expiration of the term of office of a commissioner of the civil service commission, his successor shall be appointed by the auditor for five years; provided, however, that if such successor is not appointed within sixty days of the expiration of the term of office of a commissioner, the said commissioner shall be deemed to be reappointed to a full term. Not more than three such members of said commission shall be members of the same political party, and, of the members of said commission who are enrolled as members of a political party on the voting list used at the primaries, not more than a majority of such members shall be of the same political party. The auditor shall, from time to time, designate one of the members as chairman. The positions of chairman and each other member of the commission shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty. The commissioners shall receive their travel and other necessary expenses incurred in attending meetings.”.

The amendment was rejected.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call (the Speaker being in the Chair) 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 57 in Supplement.]

Therefore the bill (House, No. 4001, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Petruccelli of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

The same member then moved that when the House adjourns, it do so in respect to the memory of Mario Umana, a member of the House from Boston from 1949 to 1952, inclusive, and a member of the Senate from 1953 to 1958, inclusive, and from 1961 to 1974, inclusive; and the motion prevailed.

Accordingly, at eleven minutes after eleven o'clock P.M. (Friday, April 29), on further motion of Mr. Petruccelli (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.